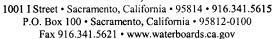
State Water Resources Control Board



Executive Office

Tam M. Doduc, Board Chair





AUG 1 4 2008

ELECTRONIC MAIL

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WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF AUBURN DAM PROJECT PERMITS – REVISED STAFF EXHIBIT 4

On August 5, 2008, you received the Revised Staff Exhibit 4, "Auburn Dam Project Permits and Recorded Water Rights with Priority Dates Junior to Auburn Dam Project Permits". Comments on the revised exhibit were due by noon on August 11, 2008. The State Water Resources Control Board (State Water Board) did not receive any comments on the exhibit, except for El Dorado County Water Agency's (EDCWA), comments on the July 21, 2008 version of the exhibit. EDCWA's comments are applicable to both versions of the exhibit.

In EDCWA's comment letter, EDCWA pointed out that EDCWA has filed an application (Application No. 31698) requesting the partial assignment of portions of State Filed Application Nos. 5644 and 5645 and that each of these applications has a 1927 priority date. EDCWA suggests that Application No. 31698 be added to Staff Exhibit 4 and that State Water Board staff additionally consider the inclusion of the remaining unassigned portions of Application Nos. 5644 and 5645. Revised Staff Exhibit 4 includes only applications, permits, and licenses that are junior to the Auburn Dam Project permits. It does not include any applications, permits, or licenses that are senior to the Auburn Dam Project Permits, including State Filed Applications. Accordingly, Application Nos. 31698, 5644, and 5645 should not be added to Staff Exhibit 4.

EDCWA additionally pointed out that Staff Exhibit 4 includes water rights for both consumptive uses and non-consumptive uses and, suggested that non-consumptive uses be excluded from the exhibit if the purpose of the exhibit is to accurately portray consumptive use within the watershed. EDCWA's comment is noted. If after considering the evidence in the record and reading the parties' closing briefs the State Water Board determines that the distinction between consumptive and non-consumptive uses is relevant, the State Water Board may take official notice of the purposes of use listed in the applications, permits, and licenses contained in Staff Exhibit 4. (Cal. Code Regs., tit. 23, § 648.2.) For purposes of this exhibit, however, it is not necessary to distinguish between consumptive and non-consumptive water rights, or to exclude non-consumptive rights from the table.

Revised Staff Exhibit 4, dated August 5, 2008, is admitted into evidence. The hearing record is closed, except for closing briefs, which are due by 12 noon on Wednesday, September 3, 2008.

California Environmental Protection Agency



If you have any non-controversial, procedural questions, please contact Dana Heinrich at 916-341-5188 or dheinrich@waterboards.ca.gov or Jean McCue at 916-341-5351 or jmccue@waterboards.ca.gov.

Sincerely,

Sary Wolff, Ph.D.

Hearing Officer and Board Vice Chair

Enclosure

cc: El Dorado County Water Agency (electronic mail)

c/o Bradley J. Herrema

Brownstein Hyatt Farber Schreck

21 E. Carrillo Street

Santa Barbara, CA 93101

BHerrema@bhfs.com

WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF AUBURN DAM PROJECT PERMITS, SCHEDULED TO COMMENCE ON JULY 21, 2008

REVISED SERVICE LIST

(June 18, 2008)

<u>PARTICIPANTS TO BE SERVED</u> WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below <u>agreed to accept</u> electronic service, pursuant to the rules specified in the hearing notice.)

Bureau of Reclamation, U.S. Dept of the Interior James E. Turner, Assistant Regional Solicitor 2800 Cottage Way, Rm. E-1712 Sacramento, CA 95825 rsahlberg@mp.usbr.gov

Auburn Dam Council c/o Michael R. Schaefer 7050 Walnut Avenue Orangevale, CA 95662 Mikeret 99@yahoo.com

California Sportfishing Protection Alliance c/o Michael B. Jackson P.O. Box 207 Quincy, CA 95971 mjatty@sbcglobal.net

Sacramento County/Sacramento County Water Agency c/o Sandra K. Dunn Somach, Simmons & Dunn 813 Sixth Street, 3rd Floor Sacramento, CA 95814 sdunn@somachlaw.com

San Luis & Delta-Mendota Water Authority c/o Jon D. Rubin Diepenbrock Harrison 400 Capitol Mall, Suite 1800 Sacramento, CA 95814 JRubin@Diepenbrock.com

SWRCB/DWR Prosecution c/o David Rose State Water Resources Control Board Office of Chief Counsel P.O. Box 100 Sacramento, CA 95812 DRose@waterboards.ca.gov

American River Authority c/o Christopher D. Williams, Esq. P.O. Box 667 San Andreas, CA 95249 cwilliam@goldrush.com

Friends of the North Fork c/o Michael Garabedian 7143 Gardenvine Avenue Citrus Heights, CA 95621 mikeg@gvn.net

[Address through July 13, 2008]

Friends of the River, Save the American River Association, and Defenders of Wildlife c/o Ronald M. Stork 915 20th Street Sacramento, CA 95811 rstork@friendsoftheriver.org

[Address effective July 14, 2008]

Friends of the River, Save the American River Association, and Defenders of Wildlife c/o Ronald M. Stork 1418 20th Street, Suite 100 Sacramento, CA 95811 rstork@friendsoftheriver.org

<u>PARTICIPANTS TO BE SERVED</u> WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below <u>agreed to accept</u> electronic service, pursuant to the rules specified in the hearing notice.) (<u>Continued</u>)

South Delta Water Agency c/o John Herrick 4255 Pacific Avenue, Suite 2 Stockton, CA 95207 Jherrlaw@aol.com

Westlands Water District c/o Jon D. Rubin Diepenbrock Harrison 400 Capitol Mall, Suite 1800 Sacramento, CA 95814 JRubin@Diepenbrock.com Stockton East Water District c/o Karna E. Harrigfeld, Esq. 2291 W. March Lane, Suite B100 Stockton, CA 95207 kharrigfeld@herumcrabtree.com

County of San Joaquin and San Joaquin County Flood Control and Water Conservation District c/o Thomas J. Shephard, Sr. Neumiller & Beardslee P.O. Box 20 Stockton, CA 95201-3020 tshephard@neumiller.com dgillick@neumiller.com